

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRIAN BRUMFIELD,

Plaintiff

v.

C-1-12-436

EDWARD O. KELLER, *et al.* ,

Defendants

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 32), plaintiff's objections thereto (doc. no. 35) and the response filed by defendant The Honorable Jerome Metz (doc. no. 37). The Magistrate Judge recommended that plaintiff's Complaint be dismissed with prejudice pursuant to 28 USC §§ 1915(e)(2)(B) and 1915A(b).

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 32). Plaintiff's Complaint (doc. no. 31) is DISMISSED WITH PREJUDICE.

This case is DISMISSED AND TERMINATED on the docket of this Court pursuant to 28 USC §§ 1915(e)(2)(B) and 1915A(b).

This Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of this Order would not be taken in good faith. *See, McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). The Court therefore DENIES plaintiff leave to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court